

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

S&H DISTRIBUTION, LLC,

Plaintiff,

vs.

MEYER LABORATORY, INC.,

Defendant.

Case No. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1446(b), Defendant Meyer Laboratory, Inc. (“Meyer Laboratory”) by and through its undersigned counsel, hereby removes this action from the District Court of Sarpy County, Nebraska to the United States District Court for the District of Nebraska. Defendant asserts that this Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) based on the following:

1. On March 1, 2022 Plaintiff S&H Distribution, LLC (“S&H Distribution”) filed a Complaint in the District Court of Sarpy County, Nebraska against Meyer Laboratory captioned *S&H Distribution, LLC v. Meyer Laboratory, Inc.*, Case No. CI 22-367 (hereinafter, the “Complaint”). A true and correct copy of the Complaint is attached hereto as **Exhibit 1**.

2. Pursuant to 28 U.S.C. § 1446(a), all other process, pleadings, and orders filed in this matter filed in the District Court of Sarpy County, Nebraska are attached hereto as **Exhibit 2**.

3. Defendant was served with a copy of the Summons and Complaint on April 12, 2022. (*See* Ex. 2).

4. Plaintiff S&H Distribution is upon information and belief a Nebraska resident. The Complaint alleges that S&H Distribution is a Nebraska limited liability company with its principal place of business in Gretna, Nebraska. (Ex. 1, ¶ 1).

5. Defendant Meyer Laboratory is a resident of Missouri. Meyer Laboratory is a corporation organized and existing under the laws of the state of Missouri with its principal place of business in Blue Springs, Missouri. (Ex. 1, ¶ 2).

6. The Complaint seeks unspecified monetary damages, including disgorgement of Defendant's profits from the sale of certain products which, if awarded, would well exceed \$75,000.

7. Additionally, the Complaint seeks preliminary and permanent injunctive relief which, if granted, would cost Defendant well in excess of \$75,000 to comply due to lost revenue.

8. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000, and there is complete diversity of citizenship between the parties. *See* 28 U.S.C. § 1446(c)(2).

9. There are no motions pending before the District Court of Sarpy County, Nebraska in this matter.

10. A copy of the Notice of Filing Notice of Removal to be filed in the District Court of Sarpy County, Nebraska, without attachments noted therein, is attached hereto as **Exhibit 3**.

11. Meyer Laboratory requests that Omaha, Nebraska be the designated place of trial.

12. Meyer Laboratory expressly reserves all defenses and does not waive or concede any jurisdictional or other defenses which might be available to it by filing this Notice of Removal.

WHEREFORE, Meyer Laboratory respectfully gives notice that the above-captioned action is removed from the District Court of Sarpy County, Nebraska to this Court, pursuant to 28 U.S.C. §§ 1441 and 1446.

Dated this 11th day of May, 2022.

MEYER LABORATORY,
Defendant,

By: /s/ Michael S. Degan
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2022, I electronically filed the foregoing documents with the Clerk of the United States District Court for the District of Nebraska, used the CM/ECF system, causing notice of such filing to be served upon the following:

James F Cann
KOLEY JESSEN
james.cann@koleyjessen.com

/s/ Michael S. Degan
Michael S. Degan